

## Remarks

This paper responds to the Office Action dated December 23, 2004.

**Spelling errors.** The Office Action states an objection to the specification because, supposedly, "numerous spelling errors exist throughout the specification and claims." The undersigned has diligently reviewed both the specification and the claims and is unable to find any spelling errors. It is respectfully requested that the Examiner point out the spelling errors, or in the alternative, to withdraw the objection.

**Double patenting.** In response to a double patenting rejection, attached please find Form PTO/SB/26 and Form PTO-2038. Any deficiency in fees may be charged to our deposit account number 15-0610.

**Art rejection.** Claim 5 has been rejected as supposedly obvious over a two-way combination of US Pat. No. 6,507,923 to Wall et al. ("Wall") and US Pat. No. 6,188,973 to Martinez et al. ("Martinez").

Claim 5 is expressly limited in that:

the analyser is arranged to be located on one of a number of branches from the FC-AL and not in the loop itself.

This may be seen, for example, in Fig. 4, where a branch 34 at 156 exists. The analyzer 152 is on the branch, and is not in the loop. This is also discussed in the specification for example at page 23, lines 14-19:

It can also be seen in FIG. 4 that Disk 1 is connected both to Disk 2 and FC-Analyser 1 (152). However, whilst Disk 2 is logically an element in the FC-AL, the FC-Analyser 1 (152) samples data from the FC-AL on a branching connection therefrom, without itself contributing to the latency of the FC-AL.

The Office Action suggests that this limitation of claim 5 may be found in Wall at Fig. 5 and in Wall at column 8, lines 18-34. The undersigned, however, has diligently studied the cited portions and is quite unable to find this limitation. Indeed the undersigned has reviewed all of the cited references and is unable to find this limitation.

Wall teaches away from this limitation. Fig. 5 of Wall shows a loop, from device 1, being diverted to element 82, and then returning via a second arrow to device 2. Thus no branching can be seen (as called for in the claim) and it appears that the device 82 must receive any FC frames from device 1 and resend them to device 2, thus contributing to the latency of the FC/AL (and thus teaching away from a limitation of Claim 6).

Claim 6 is expressly limited in that:

the analyser is adapted to analyse activity occurring on the loop but does not itself contribute to loop delay.

Thus claim 6 is urged to be patentable not only because of its dependency from claim 5, but also because of this limitation (not itself contributing to loop delay).

Reconsideration is requested.

Respectfully submitted,

*Carl Oppedahl*

Carl Oppedahl

PTO Reg. No. 32746

Oppedahl & Larson LLP

P O Box 5068

Dillon, CO 80435-5068

telephone 970 468 6600